

Assembly Bill No. 1824

Passed the Assembly May 13, 2010

Chief Clerk of the Assembly

Passed the Senate August 2, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 25210 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, Monning. Hazardous materials: toxic chemicals: sewage systems.

(1) The Hazardous Waste Control Law prohibits the use of a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel and the sale of a nonbiodegradable toxic chemical in a container indicating that the chemical could be used in a chemical toilet, waste facility of a recreational vehicle, or waste facility of a vessel. The department is required by June 1, 1978, to develop and adopt regulations to define nonbiodegradable toxic chemicals and set limitations on the sale of those chemicals. A violation of the hazardous waste control law is a crime.

This bill would additionally prohibit the use and sale of a chemical that is detrimental to a sewage disposal system for those purposes. The bill would list those chemicals that are detrimental to a sewage disposal system and would authorize the department to adopt regulations that identify additional chemicals determined to be detrimental to a sewage disposal system. Because the bill would include additional chemicals in the prohibition against sale or use, this bill would enlarge the scope of a crime, thereby imposing a state-mandated local program. The bill would also make discretionary the adoption of regulations with regard to nonbiodegradable toxic chemicals.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 25210 of the Health and Safety Code is amended to read:

25210. (a) (1) A person shall not use a nonbiodegradable toxic chemical or a chemical that is detrimental to a sewage disposal system in a chemical toilet, a recreational vehicle, or a waste facility of a vessel, as defined in Section 651 of the Harbors and Navigation Code.

(2) A person shall not sell a nonbiodegradable toxic chemical or a chemical that is detrimental to a sewage disposal system in a container that indicates that the chemical could be used in a chemical toilet, a waste facility of a recreational vehicle, or a waste facility of a vessel, as defined in Section 651 of the Harbors and Navigation Code.

(3) The department may develop and adopt regulations to define nonbiodegradable toxic chemicals and to set limitations on the sale of those chemicals.

(b) For purposes of this section, a chemical that is detrimental to a sewage disposal system means either of the following:

(1) Any of the following chemicals:

(A) 2-bromo-2-nitropropane-1,3-diol, commonly known as bronopol.

(B) 1-(3-chlorallyl)-3,5,7-triaza-1-azoniaadamantane chloride, commonly known as dowicil.

(C) Formaldehyde.

(D) Glutaraldehyde.

(E) Para-formaldehyde.

(F) Para-dichlorobenzene.

(2) (A) In addition to the chemicals specified in paragraph (1), a chemical identified by the department as being detrimental to a sewage disposal system, in regulations that may be adopted by the department.

(B) For purposes of this section, “sewage disposal system” has the same meaning as defined in paragraph (3) of subdivision (a) of Section 25210.1.

(c) The regulations adopted by the department pursuant to paragraph (2) of subdivision (b) may limit or prohibit the use or sale of a chemical detrimental to a sewage disposal system in a product used for a chemical toilet, a recreational vehicle, or a waste

facility of a vessel, as defined in Section 651 of the Harbors and Navigation Code.

(d) This article does not limit, supersede, duplicate, or otherwise conflict with the authority of the department to fully implement Article 14 (commencing with Section 25251), including the authority of the department to include products in a product registry established pursuant to the regulations adopted in accordance with that article. Notwithstanding subdivision (c) of Section 25257.1, a chemical product intended for use in a chemical toilet, recreational vehicle, or waste facility of a vessel shall not be considered as a product category already regulated or subject to pending regulation for purposes of Article 14 (commencing with Section 25251).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2010

Governor